

1 BAKER BOTTS L.L.P.
Jon V. Swenson (SBN 233054)
2 1001 Page Mill Road
Building One, Suite 200
3 Palo Alto, CA 94304-1007
Telephone: (650) 739-7500
4 Facsimile: (650) 739-7699
Email: jon.swenson@bakerbotts.com
5

6 BAKER BOTTS L.L.P.
John M. Taladay (*pro hac vice*)
Joseph Ostoyich (*pro hac vice*)
7 Erik T. Koons (*pro hac vice*)
Charles M. Malaise (*pro hac vice*)
8 1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
9 Telephone: (202) 639-7700
Facsimile: (202) 639-7890
10 Email: john.taladay@bakerbotts.com
Email: joseph.ostoyich@bakerbotts.com
11 Email: erik.koons@bakerbotts.com
Email: charles.malaise@bakerbotts.com
12

13 *Attorneys for Defendant Koninklijke Philips Electronics N.V., and*
Philips Electronics North America Corporation
14

15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION
18

Case No. 07-5944 SC
MDL No. 1917

19 This Document Relates to:

20 Case No. C 11-6397 SC
COSTCO WHOLESALE CORPORATION,
21
Plaintiff,
22

23 v.

24 HITACHI, LTD., et al.,
25
Defendants,
26

**[PROPOSED] ORDER GRANTING THE
PHILIPS DEFENDANTS' MOTION, IN
THE ALTERNATIVE TO DISMISSAL, TO
COMPEL ARBITRATION**

1 Upon consideration of the Philips Defendants' Motion, in the Alternative to Dismissal, to
2 Compel Arbitration and supporting Memorandum of Points and Authorities, it is hereby

3 ORDERED that the Philips Defendants' Motion to Compel Arbitration is GRANTED; and it
4 is further

5 ORDERED that this action for all claims by Costco is hereby dismissed, with prejudice, as to
6 Defendants Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation
7 (collectively, the "Philips Defendants"), with the exception of Costco's claims for co-conspirator or
8 joint and several liability based on Costco's purchase of products from defendants other than the
9 Philips Defendants; and it further

10 ORDERED that Costco Wholesale Corporation shall proceed in arbitration against the
11 Philips Defendants in accordance with the July 31, 1995 Vendor Agreement with Philips Electronics
12 North America Corporation.

13
14 IT IS SO RECOMMENDED

15
16 Dated: _____, 2013

17
18 _____
19 The Honorable Charles A. Legge (Ret.)
Special Master

20 IT IS SO ORDERED UPON THE RECOMMENDATION OF THE SPECIAL MASTER

21
22 Dated: _____, 2013

23
24 _____
25 The Honorable Samuel Conti
26 Northern District of California

27
28 MDL 1917